

# News from the FPPC



California Fair Political Practices Commission  
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## FPPC Enforcement Decisions: December 8, 2011

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held on Thursday, December 8, 2011. Decisions are listed by category and include a brief summary of each case and the total amount of any administrative fine or fines in each case.

Additional information on each of the enforcement cases below can be found in the December agenda on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). FPPC agendas are distributed and posted on the agency website at least 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to by the commission and by the individuals and organizations subject to the fines, or the default decisions proposed to the commission. Exhibits in support of the stipulations and proposed default decisions are also available on the website. If you are unable to access the FPPC website, or need further assistance, please call the FPPC communications office at (916) 322-7761.

### Campaign Reporting Violations

#### **Black Women Organized for Political Action State PAC, and Beryl Crumpton Potter, Treasurer.**

Black Women Organized for Political Action State PAC and its treasurer, Beryl Crumpton Potter, failed to report approximately \$13,409 in contributions received and approximately \$12,801 in expenditures made by the committee on their campaign statements for the January 1, 2010, through June 30, 2010, and the July 1, 2010, through December 31, 2010, reporting periods. **\$2,500 fine.**

**Beverly Seedborg and Voter Guide Slate Mail.** Voter Guide Slate Mail, a slate mailer organization, and Beverly Seedborg, treasurer for Voter Guide Slate Mail, during the semi-annual reporting period of October 19, 2008 through December 31, 2008, received \$111,286 and expended \$342,785 to produce slate mailers. They failed to file a semi-annual campaign statement by the February 2, 2009, due date, for the reporting period of October 19, 2008 through December 31, 2008. **\$2,000 fine.**

**Frank Jewett and Committee to Elect Frank Jewett 4 Campbell City Council.** Frank Jewett was a candidate for Campbell City Council in the election held November 2, 2010. Committee to Elect Frank Jewett 4 Campbell City Council was his controlled committee. They failed to timely file two pre-election campaign statements for the periods, failing to report \$3,435 in contributions and \$1,576 in expenditures for the reporting period ending September 30, 2010 and October 16, 2010. **\$600 fine.**

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### **Conflict of Interest Violations**

California law states that, absent an exception, a public official may not make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. The following officials made or participated in making governmental decisions in which he or she had a financial interest:

**David Cole** was a member of the Pinole City Council and also a board member of the Pinole Redevelopment Agency in Pinole, CA, from 2000 to 2007. Mr. Cole owned and operated Pinole Valley Landscape (PVL). PVL provided services to and received substantial income from The Kivelstadt Group (TKG), a real estate developer and property management company active in the City of Pinole. Respondent Cole, through PVL, earned \$253,353 from TKG from 2003 through 2006. On at least 16 occasions from 2003 - 2007, Mr. Cole made governmental decisions in which he had a material financial interest, by voting on matters before the Pinole Redevelopment Agency and the Pinole City Council involving TKG, which was a source of income to Mr. Cole; failed to disclose his income from and business position with PVL in his annual Statements of Economic Interests for 2003 - 2006; and failed to disclose TKG as a source of income to him through PVL in his annual Statements of Economic Interests for 2003 - 2005. **\$111,500 fine.**

**Claudia Chandler** was the Chief Deputy Director of the California Energy Commission (CEC). Ms. Chandler impermissibly participated in two governmental decisions in which she had a financial interest. From April 2009 to July 2009 and from August 2010 to September 2010, Ms. Chandler participated in government decisions, the awarding of two contracts from the CEC to Cambria Solutions, a company in which she had a personal financial interest through her community property interest in her husband's business. **\$6,000 fine.**

### **Lobbying Violation**

California law requires lobbyist employers to file reports to provide the public with specified information, including payments made in connection with lobbying activity. The following failed to timely file the required forms:

**Berkeley Patients Group**, a registered California lobbyist employer, failed to timely file quarterly lobbyist employer reports for the October 1, 2010, through December 31, 2010, reporting period, due on January 31, 2011; the January 1, 2011, through March 31, 2011, reporting period, due by May 2, 2011; and the April 1, 2011, through June 30, 2011, reporting period, due by August 1, 2011. Berkeley Patients Group made \$24,000 in payments to lobbying firms during the reporting periods. **\$600 fine.**

### **Statements of Economic Interests Violations**

California law requires elected officials, certain board members and governmental employees, and consultants employed by governmental entities to complete and file Statements of Economic Interests (SEIs or Form 700s). SEIs serve a dual purpose: they make a filer aware of personal economic interests relative to a governmental decision, and they are an important disclosure document for the public and media. The following individuals failed to file their Statement of Economic Interests forms on time:

**Max Allstadt**, a City of Oakland Community Development Block Grants board member, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2009, through December 31, 2009, due April 1, 2010. **\$200 fine.**

**Christopher Baker**, Fire Chief of the Mt. Shasta Fire District, failed to timely file a Statement of Economic Interests for the reporting period January 1, 2009, through December 31, 2009, by the April 1, 2010, due date. **\$400 fine.**

**Thomas Biggs**, a City of Oakland Landmark Advisory board member, failed to file a Statement of Economic Interests for the reporting period January 1, 2009, through December 31, 2009, by the April 1, 2010 due date. **\$200 fine.**

**Thomas Bors**, Dixon Regional Watershed JPA board member, failed to timely file a Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011, with the Technical Assistance Division. **\$200 fine.**

**Norman Brown**, Battalion Chief for CalFIRE, Forestry and Fire Protection, failed to file a Statement of Economic Interests covering the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date with CalFIRE, Forestry and Fire Protection. **\$200 fine.**

**Chin Chin Cheng**, Senior Programming Analyst for the County of Santa Clara, failed to file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010. **\$200 fine.**

**Emilio Cruz**, Transbay Joint Powers Authority Consultant, failed to timely file a Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011, with the Technical Assistance Division. **\$400 fine.**

**Carol Hatley**, a State of California Housing Workers' Compensation Authority board member, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through December 31, 2010, by the April 1, 2011, due date. **\$200 fine.**

**Neil Struthers**, , a Santa Clara County Workforce Investment board member, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date. **\$200 fine.**

**Nicholas Travis**, City of Sunnyvale Planning Commissioner, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date. **\$200 fine.**

**David Tripp**, a board member for the California Independent Living Council, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through December 31, 2010, by the April 1, 2011, due date. **\$200 fine.**

**Troy Van Velson**, City of Corcoran Planning Commissioner, failed to file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date. **\$200 fine.**

**Charles Wyatt**, a board member for the California Mining and Geology Board, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through December 31, 2010, due April 1, 2011. **\$200 fine.**

#### **Approval of Decision of Administrative Law Judge**

**Shong-Ching Tong** made independent expenditures in opposition to a candidate for Arcadia City Council in the election that was held on April 13, 2010. In so doing, he became an independent expenditure committee, but he failed to file: (i) a pre-election statement by the due date of April 1, 2010; (ii) two supplemental independent expenditure reports by the due dates of April 1, 2010 and August 2, 2010; (iii) a late independent expenditure reports by the due date of April 7, 2010; and (iv) a semi-annual statement by the due date of August 2, 2010. Also, on or about April 6, 2010, he sent a mass mailing (in opposition to the candidate mentioned above) without displaying the name, address, and city of the sender on the outside of each piece of mail. **\$5,250 fine.**